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Attorneys for Defendant
HEWLETT-PACKARD COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HEWLETT PACKARD COMPANY

CASE NO. C 08-02596 JF

Plaintiff,

V.

LEXJET CORP., ET AL.

**REQUEST FOR CONTINUANCE OF
INITIAL CASE MANAGEMENT
CONFERENCE AND {PROPOSED} ORDER**

Initial CMC: September 12, 2008

Defendant.

LEXJET CORP., ET AL.
Defendant.

Plaintiff Hewlett Packard Company (“HP”) submits this Request for Continuance of the Initial Case Management Conference scheduled for September 12, 2008.

HP filed a complaint for patent infringement against Defendants Lexjet Corp. and LexJet Southern California, LLC on May 22, 2008. In its complaint, HP asserts that Defendants infringe two HP patents relating to ink-jet inks. One of these patents, U.S. Patent No. 5,116,409, was the subject of a prior litigation between HP and another defendant in this district. *See* Case No. 94-20647. This prior case proceeded through trial in front of Judge Ware, with a final judgment entered in 2000.

In order to facilitate resolution of this matter, HP has not yet formally served the complaint on Defendants (the deadline for service of the complaint is September 19, 2008).

1 However, the parties have been in active settlement negotiations during this period. Because the
 2 complaint has not yet been served and Defendants have not yet appeared, HP requests a
 3 continuance of the Initial Case Management Conference scheduled for September 12, 2008, until
 4 at least October 24, 2008. If settlement negotiations are unsuccessful, HP will serve the
 5 complaint by September 19, 2008. An extension until October 24 would allow Defendants time
 6 to respond to the complaint and the parties time to meet and confer pursuant to Rule 26(f).

7 Dated: August 29, 2008

FENWICK & WEST LLP

9 By: _____ /s/ Heather N. Mewes

10 Attorney for Plaintiff
 11 HEWLETT PACKARD COMPANY

12

ORDER

13 Having considered the above Request for Continuance of Case Management Conference
 14 and good cause appearing therefore:

15 IT IS SO ORDERED.

16 DATED: 9/5/08



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 18 The Hon. Jeremy Fogel
 19 United States District Judge

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